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12 UNITED STATES DISTRICT COURT
13
14 FOR THE DISTRICT OF NEVADA

15 CHAIM BENMELECH,

16 Plaintiff,

17 vs.

18 ELDORADO RESORTS CORPORATION, a
19 Florida Corporation; MICHAEL MARRS;
20 KRISTEN BECK; DOMINIC TALEGHANI;
and DOES 1-50, inclusive,

21 Defendants.
22

Case No.: 2:17-cv-01060-JCM-VCF

**DEFENDANT’S REQUEST FOR
EXCEPTION TO IN-PERSON
ATTENDANCE OF INSURANCE
CARRIER REPRESENTATIVE AT
EARLY NEUTRAL EVALUATION
SESSION**

23 Pursuant to the Court’s Order Regarding Early Neutral Evaluation Session (ECF No. 8) and
24 LR 16-6, Defendant Eldorado Resorts Corporation (“Eldorado” and/or “Defendant”), by and
25 through its undersigned counsel, hereby submits this request to allow its insurance carrier
26 representative to attend the Early Neutral Evaluation Session (“ENE”) currently scheduled for
27
28

1 August 30, 2017, before the Honorable Nancy J. Koppe, United States Magistrate Judge,
2 telephonically.

3 Pursuant to the Court's Order (ECF No. 8), where a party is subject to coverage by an
4 insurance carrier, a representative of the insurance carrier with authority to settle the matter up to
5 the full amount of the claim must attend the ENE in addition to a party representative, unless an
6 exception is granted. Eldorado is subject to coverage by an insurance carrier, though it is well
7 within the Self Insured Retention ("SIR") at this point.
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9 A telephonic appearance by the insurance carrier's claims representative will not inhibit or
10 limit the parties' ability to negotiate or reach a potential settlement. Eldorado's Vice President of
11 Operations, James Grimes, will be attending the ENE. Mr. Grimes has binding authority to settle
12 this matter on Eldorado's behalf and has extensive knowledge of the facts and circumstances
13 surrounding Plaintiff's employment at Eldorado. Mr. Grimes is familiar with the claims alleged by
14 Plaintiff and has attended a number of ENEs on behalf of Eldorado. Eldorado's insurance carrier
15 is confident in Eldorado's ability to negotiate a fair and final resolution of this matter.
16

17 If an exception to the in-person attendance requirement is granted, the claims representative
18 will be available telephonically for the entirety of the ENE. However, based on the allegations
19 contained in Plaintiff's Complaint, and for reasons that will be discussed in detail in the Eldorado's
20 confidential evaluation statement, Eldorado believes the insurance policy's \$350,000.00 retention
21 threshold far exceeds the value of Plaintiff's claims. As such, it would not be cost effective to fly a
22 claims representative to Las Vegas to attend the ENE in-person as the costs could be
23 disproportionate to the value of the case.
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1 Eldorado is confident in its ability to fully and in good faith participate in the ENE with the
2 claims representative participating telephonically. Based on the foregoing, Eldorado respectfully
3 requests that the Court's in-person attendance requirement for the insurance carrier be waived and
4 that the Court approve Eldorado's request to allow the claims representative to attend the
5 August 30, 2017 ENE telephonically.
6

7 Dated this 23rd day of June, 2017.

8 OGLETREE, DEAKINS, NASH, SMOAK &
9 STEWART, P.C.

10 /s/ Jill Garcia

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18 *Attorneys for Defendant Eldorado Resorts*
19 *Corporation*

20 IT IS SO ORDERED.

21 Dated: June 26, 2017

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United States Magistrate Judge